



August 26, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Mail Code: DHAC, PJ-12.3
888 First Street, NE
Washington, D.C. 20426

Re: FERC No. 2299 Don Pedro Project Fishery Studies

Dear Secretary Bose:

The Turlock Irrigation District and Modesto Irrigation District (Districts) provide this notification regarding certain *O. mykiss* studies pursuant to the *Order on Ten-Year Summary Report Under Article 58* (Order) issued April 3, 2008.

The Order in C (2) states "The Districts shall conduct their proposed sampling testing for anadromy in juvenile and adult *O. mykiss* beginning in 2008." As described in the conceptual study plan submitted by the Districts in July, 2007, this otolith study is contingent upon obtaining the necessary permit from the jurisdictional agency. Applications for ESA Section 4 (d) permits are accepted annually during the September-October time frame and, when granted, allow field work to be conducted the following year. Consequently, the earliest the Districts envision being able to initiate the work under C (2) will be in calendar year 2009.

Due to permit limitations and a desire for a more manageable study design, the Districts have recently proposed to the fishery agencies (National Marine Fisheries Service, U.S. Fish and Wildlife Service, and California Department of Fish and Game) for their review and comment, a refined approach of obtaining samples for the study (see attached letter). Subject to agency input, the Districts may submit a future request to the Commission for approval of modification of the original study design.

We note that the adult *O. mykiss* tracking study is also dependent upon issuance of a permit allowing for the surgical implantation of tags for that study to begin in 2009. That permit is likewise being pursued.

Respectfully submitted,

MODESTO IRRIGATION DISTRICT

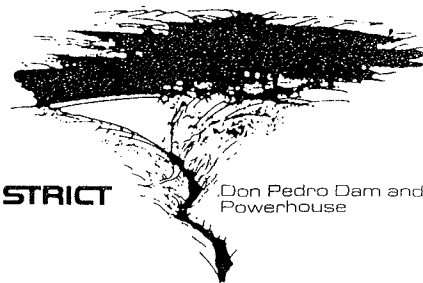
Allen Short
General Manager

TURLOCK IRRIGATION DISTRICT

Larry Weis
General Manager

TURLOCK IRRIGATION DISTRICT

333 EAST CANAL DRIVE
POST OFFICE BOX 949
TURLOCK, CALIFORNIA 95381
(209) 883-8300



August 26, 2008

(via e-mail)

Tim Heyne
California Dept. of Fish and Game
P.O. Box 10
La Grange, CA 95329

Kim Webb
U.S. Fish and Wildlife Service
2800 Cottage Way, W-2605
Sacramento, CA 95825

Maria Rea
National Marine Fisheries Service
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814-4708

RE: Tuolumne River P-2299 Fishery Studies Pursuant to April 3, 2008 FERC Order

Dear Fishery Agency representatives:

Attached are study prospectuses prepared for *O. mykiss* otolith and tracking studies for your review and comment. These are *O. mykiss* studies pursuant to the *Order on Ten-Year Summary Report Under Article 58* (Order) issued April 3, 2008.

The Order in C (2) states "The Districts shall conduct their proposed sampling testing for anadromy in juvenile and adult *O. mykiss* beginning in 2008." As existing permits do not provide for the take required for that study, the earliest the Districts envision being able to initiate the work under C (2) will be in calendar year 2009. Also for a more manageable study design, the Districts have refined the approach of obtaining samples for the study. The Order states "Any changes to the *O. mykiss* monitoring methods or schedules shall be filed for Commission approval and include the comments of the agencies on the changes. Any change to the methods or schedules shall not be implemented until approved by the Commission." Subject to agency input, the Districts would submit a future request to the Commission for approval of modification of the original study design.

Due to the upcoming 4(d) permitting timeline, we would appreciate your comments by September 15. Please contact me at 209-883-8375 if you have any questions.

Sincerely,

Tim Ford
Aquatic Biologist



WATER & POWER
Serving Central California since 1887